

\*\*E-filed 12/12/07\*\*

1 BARRY J. PORTMAN  
Federal Public Defender  
2 NICHOLAS P. HUMY  
Assistant Federal Public Defender  
3 160 West Santa Clara Street, Suite 575  
San Jose, CA 95113  
4 Telephone: (408) 291-7753  
5 Counsel for Defendant HINKEL

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 07-00675 JF  
12 )  
Plaintiff, )  
13 v. ) **STIPULATION TO CONTINUE**  
 ) **STATUS HEARING; [PROPOSED]**  
14 DAVID HINKEL, et al, ) **ORDER**  
 )  
15 Defendant. )  
16 \_\_\_\_\_ )

17 **STIPULATION**

18 Defendants, David Hinkel and Jeffrey Smith, and the government, through their  
19 respective counsel, hereby stipulate that, subject to the court's approval, the status hearing in the  
20 above-captioned matter, presently scheduled for Wednesday, December 12, 2007, at 9:00 a.m.,  
21 may be continued to Wednesday, December 19, 2007, at 9:00 a.m. The continuance is being  
22 requested due to unavailability of David Hinkel's defense counsel.

23 The parties further agree and stipulate that time should be excluded from and including  
24 December 12, 2007 through and including December 19, 2007, to provide counsel reasonable  
25 time to prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).  
26 Accordingly, the United States and the defendant agree that granting the requested exclusion of

1 time will serve the interest of justice and outweigh the interest of the public and defendant in a  
2 speedy trial.

3 Dated: December 7, 2007

4 /s/  
NICHOLAS P. HUMY  
Assistant Federal Public Defender

5 Dated: December 7, 2007

6 /s/  
SCOTT FURSTMAN  
7 Defense counsel for Jeffrey Smith

8 Dated: December 7, 2007

9 /s/  
CARLOS SINGH  
Assistant United States Attorney

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11  
12 **ORDER**

13 Good cause appearing and by stipulation of the parties, it is hereby ordered that the  
14 sentencing hearing in the above-captioned matter shall be continued from December 12, 2007 to  
15 December 19, 2007 at 9:00 a.m. as well as the period of delay from December 12, 2007, to and  
16 including December 19, 2007, be excluded for purposes of Speedy Trial Act computations  
17 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv).  
18

19 Dated: December 12, 2007

20   
JEREMY FOGEL  
21 United States District Judge  
22  
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